

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:23-CV-1626-BO

LEONARD W. HOUSTON,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Defendant.)

O R D E R

This cause comes before the Court on the memorandum and recommendation of United States Magistrate Judge Robert T. Numbers, II. [DE 5]. Plaintiff, who proceeds *pro se*, has failed to file any objections to the memorandum and recommendation, and the time for doing so has expired. In this posture, the matter is ripe for disposition.

A district court is required to review *de novo* those portions of a memorandum and recommendation (M&R) to which a party timely files specific objections or where there is plain error. *See 28 U.S.C. § 636(b)(1); Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). “[I]n the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation and citation omitted).

Plaintiff has not objected to the M&R and the time for doing so has passed. The Court has reviewed the M&R and is satisfied that there is no clear error on the face of the record. Accordingly, the M&R is ADOPTED. The court dismisses this action as duplicative and instructs

Houston to proceed in his earlier filed case. *See Houston v. United States*, No. 7:23-CV-01202-BO (E.D.N.C. filed Aug. 2, 2023).

CONCLUSION

The memorandum and recommendation [DE 5] is ADOPTED in full. Plaintiff's complaint is dismissed as duplicative.

SO ORDERED, this 2 day of January, 2024.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE